

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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JAMES W. HOWELL, TERRY M. HOWELL,  
Plaintiffs,

-v.-

5:08-CV-00013(NPM/GHL)

JAVIER S. SILVA, IVONNE SILVA,  
Defendants.

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APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFFS:

Office of Peter N. Littman  
308 North Tioga Street  
Ithaca, NY 14850

Peter N. Littman, Esq.

FOR THE DEFENDANTS:

DeSena, Sweeney Law Firm  
1383 Veterans Memorial Hwy  
Suite 32  
Hauppauge, NY 11788

Shawn P. O' Shaughnessy, Esq.

NEIL P. MCCURN  
SENIOR U.S. DISTRICT JUDGE

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

The parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation

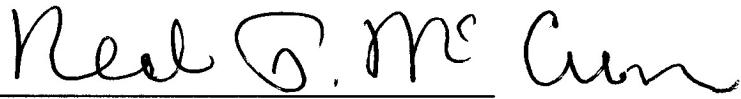
pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: November 24, 2009  
Syracuse, New York

  
Neal P. McCurn  
Neal P. McCurn  
Senior U.S. District Judge